

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00167

JOHN W. STINSON, JR.

BOND REVOCATION  
MEMORANDUM OPINION AND ORDER

On October 1, 2007, the United States of America appeared by Lisa G. Johnston, Assistant United States Attorney, and the defendant, John W. Stinson, Jr., appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the United States Motion for Revocation of Order Releasing Defendant on Bond, filed on September 21, 2007, and the defendant's response thereto filed on September 26, 2007.

The court heard the evidence and the representations and argument of counsel.

As stated on the record of the hearing, the court finds by clear and convincing evidence that the defendant is, by virtue of the repetitive and serious nature of his unlawful conduct, a

danger to the community and that no conditions or combination of conditions will assure the safety of the community for the following reasons: (1) the defendant has a serious criminal history that includes a felony conviction for aggravated robbery with use of a firearm and a felony conviction for the possession and sale of cocaine; (2) the defendant was observed by law enforcement officers in his residence on or about March 7, 2007, at which time he, a convicted felon, was in possession of a loaded firearm; (3) that the loaded firearm then in his residence was a hazard to the safety of those in the residence which was then occupied by three children, ages four, two and one; (4) that the firearm was admittedly possessed by him for use "on the streets"; (5) the defendant, on or about April 18, 2007, obstructed law enforcement officers in the course of the fulfillment of their duties for which he was charged with obstruction of a police officer, battery of an officer and fleeing, the defendant having since pled guilty to obstruction of a police officer at which time the other two charges were dismissed; (6) the defendant has repeatedly in the last month tested positive for the use of controlled substances inasmuch as urine samples provided by him tested positive as follows: (a) on September 7, 2007, for marijuana and cocaine; (b) on September 13, 2007, for marijuana and cocaine; and (c) on October 1, 2007,

a test cup administered by the probation officer field tested positive for cocaine; and (7) substantial probable cause exists that the defendant committed the offense charged in the indictment as more fully outlined in reasons (1), (2), (3) and (4) above.

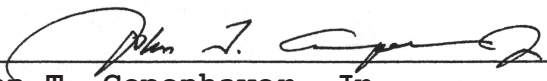
Accordingly, it is ORDERED that the defendant's bond entered into by him on September 18, 2007, be, and it hereby is, revoked.

The defendant was remanded to the custody of the United States Marshal.

The court further notes that it finds by a preponderance of the evidence that the defendant is not a threat to flee.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department and the United States Marshal.

DATED: October 4, 2007

  
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John T. Copenhaver, Jr.  
United States District Judge